



Ohio Administrative Code

Rule 3745-279-63 Rebuttable presumption for used oil for burners.

Effective: February 16, 2009

(A) To ensure that used oil managed at a used oil burner facility is not hazardous waste under the rebuttable presumption of paragraph (B)(1)(b) of rule 3745-279-10 of the Administrative Code, a used oil burner must determine whether the total halogen content of used oil managed at the facility is above or below one thousand parts per million (ppm).

(B) The used oil burner must determine if the used oil contains above or below one thousand ppm total halogens by:

(1) Testing the used oil;

(2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used; or

(3) If the used oil has been received from a processor/re-refiner subject to regulation under rules 3745-279-50 to 3745-279-59 of the Administrative Code, using information provided by the processor/re-refiner.

(C) If the used oil contains greater than or equal to one thousand ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in the appendix to rule 3745-51-11 of the Administrative Code).

(1) The rebuttable presumption does not apply to metal working oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in paragraph (C) of rule 3745-279-24 of the Administrative Code, to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner, or disposed.



(2) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

(D) Record retention. Records of analyses conducted or information used to comply with paragraphs (A), (B), and (C) of this rule must be maintained by the burner for at least three years.